

REMARKS

Claims 1-40 are currently pending in this Application, with claims 27 and 28 having been previously withdrawn. Claims 1, 3, 5, 6, 10, 14, 16, 21, 24, and 34 are amended with this response. The Examiner's rejections will now be respectfully addressed in turn.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-40 are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite because they are generally narrative. In response, Applicant has respectfully reviewed the claims and made some grammatical corrections/amendments.

Rejections under 35 U.S.C. §102(e)

Claims 16-19, 21, 23, 24, 26, 29-33, 36 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by British Patent No. 1,376,084 to Botha ("Botha" hereinafter). Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's claim 16 recites *inter alia*,

"said support means further comprises at least four rollers for winding said at least two support sheets from opposite sides of the sheet, said at least four rollers being configured for positioning in close proximity to sides of the person's body."

Botha does not teach a support means that includes at least four rollers which are configured for positioning in close proximity sides of the person's body. Instead referring to Figure 1 of Botha, there is illustrated a sling 22 that hangs down from rollers 20, causing the rollers 20 to be positioned above a lower portion of the sling 20 when a

person's body is disposed in the sling. This positioning of the rollers 20 relative to the sling 22 causes patient to be "suspended in the sling," as is taught at page 1, line 28 of Botha. This suspension of a person's body within the sling 22 naturally places the rollers 20 above the person's body, thus positioning said rollers 20 out of proximity to the sides of a person's body.

For at least the above reasons, Botha fails to disclose all of the limitations of claim 16. Accordingly, Botha does not anticipate claim 16. Claims 17-19, 21, 23, 24, 26, 29-33, 36 and 40 variously depend from claim 16, and are thus correspondingly not anticipated by Botha. Reconsideration of the 102 rejection over Botha is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 1, 6, 5-15, and 25 have been rejected under 35 U.S.C. §103(a) as being obvious Botha.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant notes that claim 25 depends from claim 16. Thus, for at least the reasons discussed in the 102 remarks above, Botha does not teach all of the elements of Applicant's claim 25. Furthermore, similarly to claim 16, Applicant's claim 1 recites *inter alia*,

"winding said at least two support sheets on at least four rollers such that said at least four rollers are positioned in proximity of sides of the person's body."

Thus, again, for at least the same reasons as discussed in the 102 remarks, Botha does not teach every element of Applicant's claim 1, or claims 6 and 5-15 that depend therefrom. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding amended claims 1, 6, 5-15, and 25 with respect to Botha. Since Botha fails to teach or suggest all of the limitations of amended claims 1, 6, 5-15, and 25, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1-5 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 4,194,253 to Ullven ("Ullven" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

"winding said at least two support sheets on at least four rollers such that said at least four rollers are positioned in proximity to sides of the person's body."

Ullven does not teach a winding of at least two support sheets on at least four rollers such that the at least four rollers are positioned in proximity of sides of the person's body. Instead referring to Figures 1 and 2 of Ullven, there is illustrated a lifting

sheet/sling 17 that hangs down from bar/rollers 12, causing the rollers 12 to be positioned above a lower portion of the sling 17 when a person's body is disposed in the sling (disposal of a person's body at a lowest point of the sling 17 is clearly shown in Figure 1 of Ullven. This positioning of the rollers 12 relative to the sling 17 causes patient to be suspended in the sling 17, naturally placing the rollers 12 above the person's body and out of proximity to the person's sides, as shown in Figure 1.

For at least these reasons, Ullven does not teach every element of Applicant's claim 1. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding amended claim 1, or claims 2-5 that depend therefrom, with respect to Ullven. Since Ullven fails to teach or suggest all of the limitations of amended claims 1-5 clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1, 6-7, 16, 18, 20, 22, 34-35, and 37-39 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,544,371 to Fuller ("Fuller" hereinafter) in view of United States Patent No. 6,295,666 to Takaura ("Takaura" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

“winding said at least two support sheets on at least four rollers such that said at least four rollers are positioned in proximity to sides of the person’s body,” and

Applicant’s claim 16 recites *inter alia*,

“said support means further comprises at least four rollers for winding said at least two support sheets from opposite sides of the sheet, said at least four rollers being configured for positioning in close proximity to sides of the person’s body.”

Neither Fuller nor Takaura, taken individually or in combination, a support means that comprises at least four rollers that are positionable into close proximity to sides of the person’s body. Instead referring to Figure 1 of Fuller, the rollers 39 are positioned well above the body P of the user, and thus, the rollers 39 are positioned well out of proximity to the sides of the user P. Similarly, as shown in Figures 1A and 1B of Takaura, anything that could be considered a roller is positioned well out of proximity to the sides of a person’s body.

For at least these reasons, the proposed combination of Fuller and Takaura does not teach every element of Applicant’s amended claims 1 and 16. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding amended claim 1 and 16, or claims 6-7, 18, 20, 22, 34-35, and 37-39 that depend variously therefrom, with respect to the proposed combination of Fuller and Takaura. Since the proposed combination of Fuller and Takaura fails to teach or suggest all of the limitations of amended claims 1, 6-7, 16, 18, 20, 22, 34-35, and 37-39 clearly, one of ordinary skill at the time of Applicant’s invention would not have a motivation to modify the reference, or a reasonable likelihood of success in forming the claimed invention by modifying. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Applicant notes that a patient handled in a manner taught in Applicant’s Application, will not necessarily be suspended or hanging in sheets when lifted from the patient’s bed. Applicant’s disclosure allows for a more dignified handling of a person in

contrast to the prior art, in that the person is sits in sheets in the from of a chair instead of being suspended in sheets as is taught in the prior art.

Conclusion

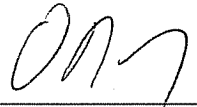
Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,

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